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Cc: CN=Gretchen Busterud/OU=R9/O=USEPA/C=US@EPA;CN=Laurie Kermish/OU=R9/O=USEPA/C=US@EPA;CN=Ann Nutt/OU=R9/O=USEPA/C=US@EPA[];
N=Laurie Kermish/OU=R9/O=USEPA/C=US@EPA;CN=Ann Nutt/OU=R9/O=USEPA/C=US@EPA[]; N=Ann Nutt/OU=R9/O=USEPA/C=US@EPA[]
Bcc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Thur 5/5/2011 7:27:25 PM
Subject: Follow-up to my whining about the Delta

ATTORNEY COMMUNICATIONA/PRIVILEGED/DO NOT RELEASE

Today, the National Academy of Sciences issued its report on the Delta HCP (the "Bay Delta Conservation Plan" or BDCP) that was the topic of our elevator conversation yesterday. Below is an excerpt from the Conclusion. The excerpt is representative of the 80 page review.

I doubt that this NAS report will change any direction for the Administration's lead on this issue (DOI), but it does raise some serious questions.

For our part, we are trying to engage constructively with this effort to both protect and advance our permitting(404), water quality and NEPA functions. This is just plain tricky.

I don't think another quick briefing is necessary, but I'm always available if you want.

I'm mainly sending this to you so that you know my observations were not from out in left field. Or, if they were from left field, left field is pretty crowded.

(From NAS, A Review of the Use of Science and Adaptive Management in California's Draft Bay Delta Conservation Plan, May 5, 2011, at p. 43)

"The panel finds the draft BDCP to be incomplete or unclear in a variety of ways and places. The plan is missing the type of structure usually associated with current planning methods in which the goals and objectives are specified, alternative measures for achieving the objectives are introduced and analyzed, and a course of action is identified based on analytical optimization of economic, social, and environmental factors. The lack of an appropriate structure creates the impression that the entire effort is little more than a post-hoc rationalization of a previously selected group of facilities, including an isolated conveyance facility, and other measures for achieving goals and objectives that are not clearly specified. Furthermore, unless goals are not only stated but also prioritized, it is impossible to forecast the effects of projects that would achieve the goals because it is impossible to identify the projects or the consequences that would be deemed acceptable. One symptom of the absence of appropriate structure is the systemic lack of synthesis in the BDCP. Frequently, the plan appears to be little more than a list of tactics or management options that are not strategically integrated. It is unclear how these tactics would be knitted together to achieve the objectives of the plan which are themselves not always clear; and there is no indication of how the various tactics and elements in the plan could be implemented in a logical and strategic fashion."

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